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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,139	12/18/2001	Uwe Fischer	M&N-IT199	4669

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EXAMINER

EVANS, FANNIE L

ART UNIT	PAPER NUMBER
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2877

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,139

Applicant(s)

FISCHER ET AL.

Examiner

F. L. Evans

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-73 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5-13, 15-19, 22-26, 28-41, 43, 45-53, 56, 58-60, 62-64, 66-68 and 70-72 is/are allowed.
- 6) ☒ Claim(s) 14, 20, 21, 61, 65, 69 and 73 is/are rejected.
- 7) ☒ Claim(s) 4, 14, 27, 42, 44, 54, 55 and 57 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1201.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. § 119(a)-(d), which papers have been placed of record in the file.

The Drawings

The drawings are objected to under 37 CFR § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the electrically conductive sleeve sheathing an anti-kink protector made of an electrically conductive material specified in claims 9 and 37; the anti-kink protector made of a material highly absorbent to electromagnetic waves as specified in claims 12, 22, 23 and 62; the electrically conductive sleeve sheathing an anti-kink protector made of a material highly absorbent to electromagnetic waves as specified in claims 19 and 39; the sleeve made of a material being highly absorbent to electromagnetic waves sheathing an anti-kink protector made of an electrically conductive material specified in claim 45; the sleeve made of a material being highly absorbent to electromagnetic waves and electrically conductive sheathing an anti-kink protector made of an electrically conductive material specified in claim 52; and the sleeve made of a material being highly absorbent to electromagnetic waves sheathing an anti-kink protector specified in claim 70 must be shown or the features canceled from the claims. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. The composition/arrangement of the anti-kink protector and sheathing sleeve specified in original claims 9, 12, 19, 22, 23, 37, 39, 45, 52, 62 and 70 lack proper antecedent basis in the specification. See 37 CFR § 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required. No new matter should be entered.

Claim Objections

The numbering of claims is not in accordance with 37 CFR § 1.75(f) which requires the claims be numbered consecutively Arabic numerals. There are two claims numbered 18. The second claim numbered 18 is between the claim numbered 19 and the claim numbered 20.

Misnumbered claim 18 been renumbered 20 and the claims numbered 20-72 have been renumbered 21-73, respectively. Claims 54, 55 and 57 are objected to under 37 CFR § 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 54 does not further limit the subject matter of claim 45/40 in that claim 54 specifies that the sheathing is made of a electrically conductive material while claim 40 specifies that the sheathing is made of a material being highly absorbent to electromagnetic waves. Claim 57 does not further limit the subject matter of claim 45 in that claim 57 specifies that the anti-kink protector is formed by a material that absorbs electromagnetic waves while claim 45 specifies tat the anti-kink protector is made of an electrically conductive material. Applicant is required to cancel the claims or amend the claims to place the claims in proper dependent form.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. § 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 14, 20, 21, 27, 42, 44, 61, 65, 69 and 73 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For clarity of claim terminology, -- (transistor outline) -- should be insert after "TO" in line 2 of claims 4, 14, 27, 42 and 44.

The lack of an antecedent for "said opto-electronic component" bridging lines 1 and 2 of claim 14; "said conductive sleeve" bridging lines 1 and 2 of claim 20; "said electrically conductive material" bridging lines 1 and 2 of claim 21; and "said metallic structures of said device" bridging lines 2 and 3 of claims 61, 65, 69 and 73 render these claims and any depending therefrom indefinite.

The Information Disclosure Statement

The prior art cited in the information disclosure statement filed on December 18, 2001 has been considered.

Additional Prior Art

Chesavage (US 6,366,380 B1) discloses an optical transceiver with means for reducing electromagnetic interference produced by the optical transceiver.

Allowable Subject Matter

Claims 1-3, 5-13, 15-19, 22-26, 28-41, 43, 45-53, 56, 58-60, 62-64, 66-68 and 70-72 are allowed over the prior art of record.

As to the independent claims, the prior art of record, taken alone or in combination, fails to disclose or render obvious the composition/arrangement of the anti-kink protector and

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sheathing sleeve specified in the claims, in combination with the rest of the limitations of the claims.

Fax/Telephone Numbers

Papers related to this application may be submitted to Technology Center 2800 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The fax number for Technology Center 2800 is (703) 872-9306 for regular and After Final communications.

If applicant wishes to send a fax containing a Proposed Amendment for discussion during either a personal interview or a telephone interview then the fax should:

- 1) Contain either the statement "**DRAFT**" or "**PROPOSED AMENDMENT**" on the Fax Cover Sheet; and
- 2) Should be unsigned by the attorney or agent.

This will ensure that the amendment will not be entered into the application and will be forwarded to the examiner as quickly as possible.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to the examiner whose telephone number is (571) 272-2414. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font, can be reached on (571) 272-2415. The TC Receptionist's telephone number is (571) 272-1562.

Any other inquiry of a technical nature, and all inquiries of a general nature including those relating to the status of an application should be directed to TC 2800 Customer Service Office whose telephone number is (571) 272-1585.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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F. L. EVANS
PRIMARY EXAMINER
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file

March 22, 2004